

REFERENCE TITLE: DOA; confidential data positions; fingerprints

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2151

Introduced by
Representative Paton

AN ACT

AMENDING SECTION 41-777, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF ADMINISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-777, Arizona Revised Statutes, is amended to
3 read:

41-777. Confidential data personnel: criminal history records: definitions

A. Before accepting an offer of employment, an applicant for ~~an information technology~~ A CONFIDENTIAL DATA position in ~~the department of administration~~ A STATE AGENCY shall submit a full set of fingerprints to the department of administration for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The director of the department of administration shall request personnel who were employed in ~~information technology~~ CONFIDENTIAL DATA positions on or before ~~the effective date of this section~~ JULY 18, 2000 to submit a full set of fingerprints if the director determines that it is necessary to assure the privacy, confidentiality or integrity of CONFIDENTIAL data ~~within the department's control~~. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION MAY REQUIRE AN EMPLOYEE IN A CONFIDENTIAL DATA POSITION TO SUBMIT TO A PERIODIC SUBSEQUENT CRIMINAL RECORDS CHECK. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

B. The department of administration shall not disclose information obtained pursuant to subsection A of this section except to members of the department's staff solely for the purpose of employment of information technology personnel by the department.

C. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION MAY DELEGATE THE ENFORCEMENT OF THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION TO THE HUMAN RESOURCES MANAGER OF A STATE AGENCY.

~~C.~~ D. For the purposes of this section:

1. "Applicant" means any person who seeks employment as a new hire or any employee of ~~the department of administration~~ A STATE AGENCY who seeks a transfer, a reclassification or a reassignment to ~~an information technology~~ A CONFIDENTIAL DATA position.

2. "CONFIDENTIAL DATA" MEANS ANY DEPARTMENT OF ADMINISTRATION DATA TO WHICH ACCESS IS RESTRICTED BY VIRTUE OF APPLICABLE FEDERAL OR STATE LAWS, RULES OR REGULATIONS.

2. 3. "Information technology CONFIDENTIAL DATA position" means any STATE AGENCY position that ~~is within the department of administration, that~~ requires the operation of computer systems that contain or transmit data to which access is restricted by virtue of applicable federal or state laws, rules or regulations and that requires access to the restricted data in order to fulfill the requirements of the position.

4. "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION, BOARD, INSTITUTION OR OTHER AGENCY OF THIS STATE.